

REMARKS/ARGUMENTS

Reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above amendments and remarks that follow.

Claims 4, 8, 9, 12-14, 20, 24-27, 33, 36-40, and 42-46 are pending in the application. Claim 27 has been amended to recite that the central portion of the filter segment is positioned overlying the compartment and between the compartment and the outer portion of filter tow when the cigarette is viewed in a cross-section. This is clearly supported by Fig. 10 and the accompanying discussion in the specification. Applicants respectfully submit that no new matter is introduced by these amendments.

Claims 4, 8, 9, 13, 14, 20, 24-27, 33-40 and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jupe *et al.* (WO 02/069745 A1) in view of Tateno *et al.* (U.S. 4,889,144) and Applicants' admitted prior art. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jupe *et al.*, Tateno *et al.*, and Applicants' admitted prior art as applied to claim 27, and further in view of Jones *et al.* (U.S. 5,307,823). Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jupe *et al.*, Tateno *et al.*, as applied to claim 27, and further in view of Berger (U.S. 4,046,063). Claims 42-44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jupe *et al.*, Tateno *et al.*, as applied to claim 27, and further in view of Keritsis (U.S. 5,115,823). Claims 4, 8, 13, 14, 20-27, and 33-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jupe *et al.* in view of Tateno *et al.* Applicants respectfully traverse these rejections as applied to the amended claim set.

The undersigned did not previously appreciate the manner in which the Examiner is interpreting the structure of Figs. 1 and 3 in the Tateno reference. Although not labeled or discussed in the reference, the Examiner is interpreting the filter embodiment of Figs. 1 and 3 of Tateno as including a "central portion" of filter material at each end of space 2a containing the capsules 3. As admitted by the Examiner in the office action, the Tateno reference does not suggest the filter arrangement of Fig. 10 of the present application where the claimed central portion of filter material is positioned radially inward from the outer portion and between the

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compartment and the outer portion. To expedite prosecution, Applicants have amended all claims to recite that the central portion is positioned overlying the compartment and between the compartment and the outer portion when the cigarette is viewed in cross-section. This arrangement provides numerous benefits, including enhanced modularity of the filter design that can improve manufacturing and enhanced ability to alter the characteristics (e.g., permeability or hardness) of the central portion as compared to the outer portion. The Examiner admits that the Tateno reference does not teach such a filter design. Accordingly, it is believed that this amendment places the application in condition for allowance. Applicants respectfully request reconsideration and withdrawal of all rejections.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 09-0528.

Respectfully submitted,

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